

**TOWN OF STERLING
ANNUAL TOWN MEETING
MAY 12, 2008**

MINUTES

Moderator called meeting to order at 9:23pm. Moderator welcomed all new residents and made announcements. Richard Martin was recognized for his retirement from the fire dept. Also a moment of silence was held for Walter Irvine who passed away this past December. Walter served as the Board of Health agent for 21 years. The pledge of allegiance was recited. The rules of town meeting were reviewed. All non voters were asked to stand and be recognized. Counters for the evening were sworn in- Scott Michalak, Ron Pichierri, Jack Bouvier, Angelo Farrelli.

ARTICLE 1. Voted to raise by taxation and appropriate the sum of \$ 8,509,986 and to further appropriate, from the EMS Receipts Account, the sum of \$ 274,815 for a total appropriation of \$8,784,801.00 for the payment of salaries and compensation, payment of debt and interest and for charges, expenses and outlays of the Town departments, for the ensuing fiscal year, beginning July 1, 2008 and ending June 30, 2009.

**Brain Foley made a motion to advance to article 44 to be discussed as article 1. Motion was seconded.
Motion defeated.**

Operating budget was read through line by line. Question raised on Fire Dept by John Potter. EMS wages are being reduced by 6000 and by 4000 from EMS expenses for a total EMS budget of 274,815.

Russell Philpot – question on DPW regarding line painting. Motion made to move on the words of the article as amended. Motion seconded

Motion made to amend article 1 to read 8,297,236, motion seconded. Motion made to call the question to move to an immediate vote. Motion carried

Vote taken on amendment, amendment defeated

Vote taken on article 1 as written

PASSED MAJORITY

ARTICLE 2. Voted to fix the salaries and compensation of all elected officers of the Town as provided by Section 108 of Chapter 41 of the General Laws, as amended, and as voted in Article #1 of this warrant.

Motion made and seconded to move on the words of the article.

PASSED MAJORITY

ARTICLE 3. Voted to raise and appropriate the sum of \$100,000, to fund the Reserve Fund for fiscal year 2009 in accordance with the provisions of General Law Chapter 40, Section 6, as amended.

Motion made to move on the words of the article, motion seconded.

After some discussion a motion was made and seconded to move question - motion passed
Vote on article 3 taken

PASSED MAJORITY

ARTICLE 4. Voted to raise and appropriate \$ 8,016,802 which is equal to Sterling's net minimum contribution, as provided by the Commonwealth of Massachusetts, plus the cost of Sterling's share of WRSD transportation costs and our portion of the WRSD debt and interest costs, in accordance with Section 16B of Chapter 71 of the General Laws, as amended, and Section #4 of the Wachusett Regional School District Agreement, as amended, for its share of operational costs and of debt and interest charges of the Wachusett Regional School District

Norman Plourde read article. Motion made and seconded.
No discussion.

PASSED MAJORITY

ARTICLE 5. Voted as amended, to raise and appropriate \$ 1,006,079, above the net minimum contribution as requested by the Wachusett Regional School District.

Mr. Plourde read article. Motion made and seconded. Mr. Pandiscio showed a short presentation and discussion was held.

Motion made and seconded to call the question.

Motion passed – 2/3rd vote declared Moderator

Vote on Article 5 - Counters called. Yes - 96 No -64

PASSED MAJORITY

ARTICLE 6. Voted to raise and appropriate \$ 579,517, in accordance with Section 16B of Chapter 71 of the General Laws, as amended, and Section #4C and E of the Montachusett Regional Vocational School District Agreement for its share of operational and capital costs of the Montachusett Regional Vocational School District, and to transfer, from the Capital Fund, the sum of \$ 5,897, for the purpose of paying the Town's portion of the debt and interest for the Montachusett Regional High School Building Project for a total appropriation of \$585,414.

Motion made and seconded to move on the words of the article.
No further discussion

PASSED 2/3RDS VOTE DECLARED BY MODERATOR

ARTICLE 7. Voted to raise and appropriate the sum of \$863,921 , to operate the Water Department, as follows:

Salaries/Wages	\$ 180,507
Expenses	\$ 253,300
Principal & Interest	\$ 324,098
Indirect Costs	<u>\$ 106,016</u>
Total	\$ 863,921

The total of \$863,921 to come from water revenue with \$106,016 of that amount to be appropriated to the general fund.

PASSED MAJORITY

Motion made and seconded to move article 9 ahead of article 8.

Motion passed

ARTICLE 9. To see if the Town will vote to create a regular Part Time Human Resources Officer position and to raise and appropriate the sum of \$30,000 for pay for the first year of salary for this position..

Motion made and seconded to move on the words of the article. Loret Schur of Personnel Board stated that the Personnel board does not support this article. David Agurkis asked why the personnel board does not support the article. Loret Schur responded. Bob Dumont asked several questions on this article.

Motion made and seconded to move question... passed 2/3rd vote

Vote on article – counters called.
Yes -58 no 65

ARTICLE DEFEATED

Motion made and seconded to table article 8.

Article 8 tabled.

Motion made and seconded to recall article 5. Original vote taken at 10:30 recall brought up at 11:10pm

Motion defeated.

ARTICLE 8. To see if the Town will vote to amend the Personnel Bylaws as follows:

Amend Section 2, Personnel Board, D. Authority, 3rd paragraph, 2nd line, from “Compensation Plan” to “Compensation Schedule”

Amend Section 2, Personnel Board, D. Authority, 4th paragraph, 3rd line, from “Compensation Plans” to “Compensation Schedules”

Amend Section 2, Personnel Board, D. Authority, 4th paragraph, to insert after the last sentence, “The report shall include:

1. A listing of all non-Union position titles, classified by grade
2. A notation of which positions have been added, deleted, or changed in salary grade during the previous year
3. A recommended percentage increase, or a recommendation not to increase, the Compensation Schedule for the following fiscal year, and the basis for such recommendation, such as cost of living, market survey, etc.”

Amend Section 2, Personnel Board, to add a new Section E. as follows:

E. Human Resources Officer (HRO)

The Board of Selectmen shall appoint a Human Resources Officer to provide staff assistance to the Personnel Board and to administer the day to day aspects of the Town’s relationship with its employees. The authority of the HRO shall include any matters delegated by the Personnel Board as well as any specified in this By-law.

Amend Section 4. Definitions, Employee, 3rd line, from “Police Department employees” to “Police Department and contractual Dispatch employees”

Amend Section 5. C. Allocation and New Positions, 1st paragraph, 1st line, to read at the beginning of the sentence, “The HRO, subject to review by the Personnel Board,”

Amend Section 5. C. Allocation and New Positions, 3rd paragraph to read, “The HRO and, if the employee is not satisfied, the Personnel Board shall afford reasonable opportunity to be heard to any employee or any Department Head affected by such a new position or change in classification.”

Amend Section 5. D. Hiring and Re-Classification, to read as follows:

1. *A job description agreed to by both the hiring department head or Board Chairman and the HRO, must be completed prior to the announcement of the job opening.*
2. *The hiring rate and pay rate for the job must be in accord with the Classification and Compensation Plans or be developed with and agreed to by the HRO prior to the announcement of the job opening.*
3. *The job opening must be printed in the Worcester Telegram and Gazette and any other publication appropriate as designated by the HRO and must be posted on the Town Hall bulletin board at least ten (10) days prior to the job being filled.*

Amend Section 5. E. Job Descriptions and Interpretations, to read as follows:

The HRO, on behalf of the Personnel Board, shall maintain written descriptions of the jobs or positions in the Classification Plan. These descriptions shall be written by the department supervisor and approved by the HRO on behalf of the Personnel Board. The descriptions should include definitions describing the essential nature of the work, distinguishing features of the work and such illustrative examples of duties as may be deemed appropriate. The Personnel Board, at the recommendation of the HRO, may amend such job descriptions from time to time at its discretion.

Amend Section 5. G. Work Week, 4th line, to read "...and of the HRO on behalf of the Personnel Board, will establish..."

Amend Section 6, Compensation Plan, B.1., 4th line, to insert at the start of the first sentence, "The HRO on behalf of the Personnel Board may..."

Amend Section 6, Compensation Plan, B.2., end of the sentence to read "... copy thereof to the HRO for the files of the Personnel Board."

Amend Section 6. C. Transfers and Promotions of Employees, item 3, to delete the last sentence: "No employee, having satisfactorily served a six month probationary period, shall be removed or lowered in rank without the approval of the Personnel Board."

Amend Section 6. F. Physical Examination, 1st line, to begin with, "The Department Head and/or the HRO on behalf of the Personnel Board,..."

Amend Section 6. F. Physical Examination, 4th line, to insert, "...appointed by the HRO on behalf of the Personnel Board,"

Amend Section 6. F. Physical Examination, 5th line, to start with, "The examining physician shall advise the Hiring Authority as to whether..."

Amend Section 6. H. Overtime, item 4. first sentence to specify, "...the Town has adopted a 207-k exemption..."

Amend Section 7, Step 2, to delete the words "depending upon the severity of the offense committed."

Amend Section 7, Step 4, to the following, "Continued infraction will result in the notification to the HRO on behalf of the Personnel Board that the employee will be terminated."

Amend Section 7, 2nd paragraph to read, "At any step in the disciplinary procedure, an employee may, at his/her discretion, appeal to the HRO and if not satisfied with the result, may appeal to the Personnel Board."

Amend Section 10, Section C. Vacation Pay, 3rd paragraph, 5th line, to delete the words "and from the Personnel Board"

Amend Section 10, Section C. Vacation Pay, to delete the last 2 paragraphs of this section.

Amend Section 10, Section H. Other Leave, 1st line, from “days per year may” to “days per year will”

Amend Section 10, Section I. Disability 8th line, to read “...the discretion of the Department Head and their appointing authority to determine...”

Amend Section 10, Section K. Unauthorized Leave, 1st line, from “working days shall” to “working days may”

Amend Section 14 to read as follows:

The Compensation Schedule consists of two parts: Grades and Steps. The Grade reflects a grouping of positions of similar skill levels or levels of responsibility. The Step refers to increases in the compensation for such work based on an assumption that an employee’s ability to do the job improves over time.

Periodically, the Town Meeting may adjust the Compensation Schedule to reflect changes in such things as the so-called “Cost of Living” or other considerations, including but not limited to the amount of compensation paid for similar positions in area communities. With this in mind, from time to time an employee may receive both a Step increase and an increase resulting from an across-the-board adjustment by the Town Meeting of the Compensation Schedule in the same year.

The HRO shall assist the Personnel Board in making its annual January 15 report described in Section 2D. On or before December 31 of each year, the HRO shall recommend in writing a specific percentage increase, or no increase, to the Compensation Schedule, as well as any change in grade to any specific position(s) on the Classification Schedule. The HRO shall utilize market research, surveys, employee interviews, consumer price index, and any other statistics or tools needed to make such report.

The following Position Description Classification Grades and Compensation Schedules constitute the classification and compensation plans of the Town. Following completion of one year of continuous service, advancement from one step to the next higher step shall occur every year, on July 1, starting with the second year of their employment, unless their appointing authority determines that such increase is not merited based on the employee’s performance.

ARTICLE 8 TABLED

Motion made and seconded to adjourn to May 13th at 7pm.

PASSED MAJORITY

May 13, 2008 – reconvened meeting of May 12th. Moderator called to order at 7:02pm.

ARTICLE 10. Voted to create the casual part time position of the Alternate Animal Control Office (AACO) with funding provided from the existing salary budget of the Animal Control Officers, (ACO).

Motion made to move on the words of the article. Motion seconded.

PASSED MAJORITY VOTE

ARTICLE 11. Voted to raise and appropriate the sum of \$20,000, as a portion of the sum needed to be used with funds already appropriated, to pay the cost of the work necessary to provide for the ongoing revaluation and the annual operation of the Assessors' department, said sum to be expended by the Board of Assessors for said purposes.

Made and seconded to move on the words

PASSED MAJORITY VOTE

ARTICLE 12. Voted to raise and appropriate the sum of \$ 26,675 for hydrant rental, said sum to be paid to the Department of Public Works and used as revenue for the Water Department.

Motion made and seconded to move on words of the article

PASSED MAJORITY VOTE

ARTICLE 13. Voted to raise and appropriate, the sum of \$11,500 to fund the Senior Citizen Work-Off Abatement Program for fiscal year 2009.

Motion made and seconded to move on the words of the article,

PASSED MAJORITY VOTE

ARTICLE 14. Voted to set the salary of the Municipal Light Board as follows: Chairman \$600; Clerk \$600; Third member \$600; said sum to be an expense of the Municipal Light Department.

Motion made and seconded to move on the words of the article

PASSED MAJORITY VOTE

ARTICLE 15. Voted as amended, to raise and appropriate the sum of \$ 32,557.00, for electricity used for street lights, and that said sum and the income from the sale of electricity to private consumers or for electricity supplied to municipal buildings or for municipal power, and for jobbing and other revenues during the current fiscal year, be appropriated for the Municipal Lighting Plant or Department, the whole to be expended by the Manager of municipal lighting under the direction and control of the Municipal Light Board for the expense of the Plant or Department for the said fiscal year, as defined in Section 57 of Chapter 164 of the Massachusetts General Laws or any other appropriate sections or chapters, and that if this sum and said income shall exceed said expense for said fiscal year, such excess shall be transferred to the Depreciation Fund, Construction Fund or any fund of said Department and appropriated and used for the purpose of maintaining the Plant or Department thereto as may thereafter be authorized by the Municipal Light Board.

Motion made and seconded to move on the words of the article with a reduction to 32,557.00 with raise and appropriate as the funding.

PASSED MAJORITY VOTE

ARTICLE 16. Voted to raise and appropriate, , the sum of \$5,000, to fund the maintenance of the 1835 Town Hall for fiscal 2009, said sum to be expended by the 1835 Town Hall Committee.

Motion made to move on the words with raise and appropriate as the funding source.

PASSED MAJORITY VOTE

ARTICLE 17. (Withdrawn.)

ARTICLE 18. Votes to transfer the sum of \$65,000, from the Capital Fund for the purpose of purchasing 30 sets of Structural Firefighting Protective Clothing

Motion made and seconded to move on the words of the article

PASSED 2/3RDS VOTE DECLARED BY MODERATOR

ARTICLE 19. Voted to transfer from the Capital Fund the sum of \$84,365, to the General Fund to offset the cost of the Fire Truck debt and interest for fiscal 2009.

Motion made and seconded to move on the words of the article

PASSED 2/3RDS VOTE DECLARED BY MODERATOR

ARTICLE 20. Voted to transfer from the Capital Fund the sum of \$40,000, for the replacement, refurbishment, and repairs of the boiler, HVAC system, oil fill pipe, and any related equipment at the Butterick Municipal Building.

Motion made and seconded to move on the words of the article.

PASSED 2/3RDS VOTE DECLARED BY MODERATOR

ARTICLE 21. Voted to transfer from the capital fund the amount of \$ 15,000, to fund a comprehensive Engineering study of the Butterick Municipal Building, The 1835 Town Hall, the Conant Public Library, the Police Station, and the Fire Station, and further to be used to upgrade, refurbish, repair, and/or improve the air quality control and HVAC system within the Sterling Police Station, or take any action in relation thereto.

Motion made and seconded to move on the words of the article

PASSED 2/3RDS VOTE DECLARED BY MODERATOR

ARTICLE 22. Voted to transfer from the capital fund the sum of \$ 38,030, for the purpose of purchasing information technology hardware, software, and licenses for Town Offices.

The cost breakdown by item is as follows:

Purchase new software licenses for Town Offices	\$ 6,030
Purchase a new server for Butterick Municipal Building	\$ 12,000
Phase II of software upgrades to the Treasures receipts/reconciliation	\$ 20,000
Capital Total	\$ 38,030

Motion made and seconded to move on the words of the article.

After some discussion a motion was made and seconded to call the question.

Motion passed 2/3rd vote declared by moderator.

Vote on Article 22 as proposed

PASSED 2/3RDS VOTE DECLARED BY MODERATOR

ARTICLE 23. Voted to transfer from the Capital Fund the sum of \$25,397, for the purchase of the following capital items:

COA stove	\$2,200
Library computers	\$2,952
Communications IMC software	\$5,250
Police computer	\$500
Fire Dept. new equipment	\$14,495
Capital Total	\$25,397

Motion made and seconded to move on the words of the article

PASSED 2/3RDS VOTE DECLARED BY MODERATOR

ARTICLE 24. Voted to transfer from the Capital Fund the sum of Ten thousand Dollars (\$10,000) for the purpose of stabilizing and solidifying the brick north wall of the 1835 building at School Street occupied by Hiram O. Taylor Post 189, American Legion, to which building the Town has a right of reversion by deed, to prevent that wall's impending collapse; for re-mortaring and re-pointing that building's other brick walls; for re-mortaring the joints in the building's granite foundation; for performing other needed structural and exterior repairs; and for qualifying Hiram O. Taylor Post 189, American Legion and the Town, for a matching grant from the Massachusetts Historical Commission to complete all needed work on the building, said sum to be expended for said purposes by the Board of Selectmen.

Motion made and seconded to move on the words of the article.

Motion made to amend article to read raise and appropriate said sum to be expended for said purchase by the American legion.

Motion made by John Potter of the finance committee to amend the amendment. Motion seconded.

1st Amendment passed 2/3rds vote declared by moderator

2nd amendment was defeated.

Motion made by Barbara Dumont and seconded to amend by adding the wording "Board of Selectmen to oversee the expenditure".

Motion made and seconded to call the question. Passed – 2/3rd vote declared by Moderator

Vote on the amendment to the amendment – to be expended by the Board of Selectmen. Passed – unanimous

Motion made to call the question – 2/3 vote declared by moderator.

Vote taken on article 24 as amended. Passed – unanimous

Motion made to amend by Mr. Dumont to transfer from capital fund. Motion to change wording is carried-unanimous

Motion made to vote article 24 as amended with Board of Selectmen to oversee and transfer from Capital fund.

PASSED 2/3RDS VOTE DECLARED BY M ODERATOR

ARTICLE 25. Voted to raise and appropriate 26,881 00 to fund the salary and other costs associated with a new collective bargaining agreement with the firefighters' union.

PASSED MAJORITY VOTE

Motion made and seconded to use the consent agenda to combine article 26- 33.

PASSED UNANIMOUS

ARTICLE 26. Voted to continue a revolving Account as allowed by Chapter 44, Section 53E ½ of the General Laws, as amended, for the purpose of Recycling, and further the amount spent from this account is not to exceed \$80,000 within the fiscal year, with said account to be under the control of the Department of Public Works.

ARTICLE 27. Voted to continue a revolving Account as allowed by Chapter 44, Section 53E ½ of the General Laws, as amended, for the purpose of providing a Fuel Revolving Fund, and further the amount spent from this account is not to exceed \$50,000 within the fiscal year, said account to be used for the purchase and accounting of fuel for the various town departments with said account to be under the control of the DPW.

ARTICLE 28. Voted to continue a Revolving Account as allowed by Chapter 44, Section 53E ½ of the Massachusetts General Laws, as amended, for the purposes of administering the Deputy Tax Collector fees and the amount spent from this account is not to exceed \$15,000 in the fiscal year said amount to be under the control of the Treasurer/Collector..

ARTICLE 29. Voted to continue a Revolving Account as allowed by Chapter 44, Section 53E ½ of the Massachusetts General Laws, as amended, for the purpose of collecting fees and revenue income to defray the expenses of the 1835 Town Hall, and to be used for its upkeep, the amount spent from this account is not to exceed \$15,000 within the fiscal year, with said account to be under the control of the Town Hall Committee.

ARTICLE 30. Voted to continue a Revolving Account as allowed by Chapter 44, Section 53 E ½, of the Massachusetts General Laws, as amended, for the purpose of collecting Planning Board Fees not covered by other General Laws and using said funds for the operation of the Planning Board, the amount spent from this account is not to exceed \$35,000 within the fiscal year, with said account to be under the control of the Planning Board.

ARTICLE 31. Voted to continue a Revolving Account as allowed by Chapter 44, Section 53 E ½ of the Massachusetts General Laws, as amended, for Council on Aging said account to be used for the purpose of expenses, contractual services, and equipment for COA related programs, the amount spent from this account is not to exceed \$45,000 within the fiscal year, with this account to be under the control of the Council on Aging.

ARTICLE 32. Voted to continue a Revolving Account as allowed by Chapter 44, Section 53 E ½ of the Massachusetts General Laws, as amended, for the purposes of running the Fair, which the amount spent from this account is not to exceed \$125,000 within the fiscal year, said account to be used to receive funds for and to pay the expenses of the Town fair, with this account to be under the control of the Fair Committee.

ARTICLE 33. Voted to continue a Revolving Account as allowed by Chapter 44, Section 53E½ of the Massachusetts General Laws, as amended, for the purpose of a Hazardous Materials

Recovery Revolving Account, into which account receipt for charges to responsible parties for the containment of hazardous materials pursuant to the Town's Hazardous Materials and Waste Recovery By-law shall be deposited and to authorize the Fire Chief to expend funds received and deposited into said account, The total amount, which may be expended in the current fiscal year, shall not exceed \$50,000.

Article 26-33

PASSED

MAJORITY VOTE

ARTICLE 34. Voted to authorize the Board of Selectmen to enter into a contract with Wachusett Earthday, Inc., pursuant to Mass. Gen. Laws Chapter 40, Section 4, and with the towns of Boylston, Holden, Paxton, Princeton, Rutland, West Boylston and any other municipality who joins said contract, pursuant to Mass. Gen. Laws Chapter 40, Section 4A, for planning, development and operation of a household hazardous waste and recycling collection site; and, further, to vote to raise and appropriate the sum of \$15,000 to satisfy the Town's financial obligation under the contract for the Fiscal Year 2009; and, further, that the contract is to include but not be limited to the following terms: the planning and development phases are expected to be completed by the end of the calendar year 2008; operation will commence upon completion of planning and development and will continue for the duration of the contract; the term of the contract shall be for an initial period of five years, renewable every five years for a maximum term of twenty-five years.

Mr. Sheppard read article with some re-wording moderator did not accept that as read due to the increase in amount. Mr. Sheppard agreed and kept 15,000 in article Mr. Sheppard clarified motion to strike West Boylston from the article and make sure date reads 2009 not 2008. Motion is to raise & appropriate Funds.

Jack Chandler – ad hoc committee for Earthday Inc., answered questions on this article.
Motion made to move the question – passed - unanimous

Vote taken on article as worded.

PASSED

UNANIMOUS

ARTICLE 35. Voted to accept Stephanie Anne Lane together with all easements, as laid out and shown on a plan on file with the Town Clerk's Office. Such acceptance will not be final until the Title for the road has been cleared of all outstanding Orders of Conditions as may have been issued by the Sterling Conservation Commission or the DEP and the As-Built Plan, Roadway Layout Plan and the Deed(s), to the aforesaid have been recorded in the Worcester Registry of Deeds at the expense of the Applicant/Developer and duly delivered along with clear title to the Board of Selectmen.

Motion made and seconded to move on the words of the article.
No discussion

PASSED

UNANIMOUS

ARTICLE 36. Voted to raise and appropriate the sum of \$50,000 to fund contracted services and materials for building maintenance.

Motion made and seconded to move on the words, funding source will be raise and appropriate.

Shirley Rieven of the Building Needs and Utilization committee explained this article.

No discussion

PASSED UNANIMOUS

ARTICLE 37. Voted to transfer from the Capital Fund the sum of \$100,000, for the purpose of designing, constructing, and installing a fireproof records archive vault at the Butterick Municipal Building,

Motion made and seconded to move on the words of the article. Motion made to move the question- passed 2/3rd vote declared.

PASSED 2/3RDS VOTE DECLARED BY MODERATOR

Motion made and seconded to voter Article 38 -39 under the consent agenda –

ARTICLE 38. Voted to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow money from time to time in anticipation of the revenue of the Fiscal Year beginning July 1, 2008, in accordance with the provisions of Chapter 44, Section 4, of the General Laws, as amended, and to renew any note or notes as may be given for a period of less than one year, in accordance with the provisions of Chapter 44, Section 17, of the General Laws, as amended.

ARTICLE 39. Voted pursuant to Chapter 44, Section 53F of the General Laws, as amended, to authorize the Town Treasurer/Collector to enter into compensating balance agreements, for FY2009.

PASSED UNANIMOUS for article 38 & 39

ARTICLE 40. To see if the Town will vote to amend the Protective (Zoning) Bylaw of the town in the following manner,

To add following new subsection immediately following subsection 2.3.4

“2.3.5 Accessory Apartment Use

By special permit from the Board of Appeals a group of rooms substantially within a single family residence may be used as a separate apartment with its own bathroom and kitchen facilities, provided that:

- (a) The group of rooms is not within, or attached to, a detached or attached accessory building.
- (b) The single family residence is being used by the owner as a principal residence, and has been used lawfully as principal residence by present or previous owners for a continuous period of at least five years immediately preceding the date of application for the special permit.
- (c) The apartment shall have its own separate entrance from the outside.
- (d) The apartment shall have its own kitchen facilities and its own interior toilet facilities.
- (e) Evidence, verified in writing, by the Board of Health (or its qualified agent) submitted with, and as part of, the application for special permit, that there is available on the lot an adequate supply of drinking water and adequate provision for sewage disposal.
- (f) The outside appearance of the premises shall remain that of a single family residence.
- (g) The rooms shall have heat that is adequately supplied and controlled by their own thermostat(s).

“The special permit shall be issued only if it contains the following limitations and precautions:

- (h) The number of residents of the apartment is limited to a number not exceeding 3.
- (i) The premises continue to be used as principal residence by an owner.
- (j) All turnaround and parking areas shall be provided on the lot.
- (k) Only one accessory apartment is allowed in any single family residence.
- (l) All dimensional controls in Section 2.5 for a single family residence must be adhered to.

“Also to add the words ‘single family with accessory apartment,’ to the first entry in the subsection 3.2.3 **Table of Parking Requirements** so it reads:

“ ‘Single-family, single family with accessory apartment, two-family or multifamily dwelling’

“Also to change the definition, in Article 5 Definitions, of ‘Accessory Apartment shall mean a separate, complete dwelling unit which is; (a) contained substantially within the structure of a one-family dwelling unit, is served by a separate entry/exit and can be isolated from the principal one family dwelling unit or (b) contained entirely within an accessory building located on the same lot as a one family dwelling.’ by deleting ‘:(a)’, replacing the second occurrence of ‘dwelling unit’ by the word ‘residence’ and by deleting all the words following the third occurrence of ‘dwelling unit’, so that it will read:

“‘**Accessory Apartment** shall mean a separate, complete dwelling unit which is contained substantially within the structure of a one-family residence, is served by a separate entry/exit and can be isolated from the principal one-family dwelling unit.’

“Also to add the words ‘, neither of which is an accessory apartment.’ to the end of the definition of ‘**Dwelling, Two-Family**’ so that it will read:

“‘Dwelling, **Two-Family** shall mean a single building containing two (2) dwelling units, neither of which is an accessory apartment.’”

Motion made to move on the words of the article with change motion seconded. Motion made and seconded to table this article to fall special town meeting. Vote taken, counters called – George Pape, Ron Pichierri, Jack Bouvier, Scott Michalak. Yes – 64, No – 44 2/3rds vote was not received to table article. A second motion was made to table the article, it was not recognized as motion already made

Motion made and seconded to move the question – 2/3rd vote

DEFEATED UNANIMOUS

ARTICLE 41. Voted to amend the zoning map of the Town of Sterling by rezoning the following parcels from Rural Residence and Farming to Performance Zone I. The parcels are listed in the Assessors’ Map Plan Book as map 159 parcels 8, 11 and 12 being 32 Redemption Rock Trail, 4 Legg Road, 6 Legg Road; recorded in Worcester South District Registry of Deeds Book 10151 Page 248, Book 22379 Page 1, Book 22378 Page 398; owners Sullivan, Robert V. and Jane E., Sullivan Robert V. and Crozier, Rachel M. and Sullivan, Jane E. and Lisa B. respectively. The total area to be rezoned is +/- 7.67 acres.

Motion made and seconded

Mr. Leland of Northborough spoke on behalf of the owners of this property and state they have no plans for the property at this time.

PASSED 2/3RDS VOTE DECLARED BY MODERATOR

Recess for 5 minutes

Meeting reconvened at 10:10pm

ARTICLE 42. Voted to establish the fee of \$20.00 for an annual stable license in accordance with M.G.L. Chapter 111, Section 155.

PASSED UNANIMOUS

ARTICLE 43. Voted to amend, the General Bylaws Agricultural Districts section, by deleting “Agricultural Districts” and replacing with “Agricultural Commission” and by deleting section 2 and replace with the following wording

Section 2. AGRICULTURAL COMMISSION

An Agricultural Commission is hereby created, comprising of a minimum of three and maximum of seven members and three numbered alternates to be appointed by the Selectmen for terms of three years (except that initial terms shall be of lengths so that no more than three expire in any one year). A majority of the membership shall be substantially engaged in the pursuit of agriculture. The Committee shall elect a Chairman, Vice-Chairman and a Clerk. All decisions shall require a positive vote of the majority of members present. Alternates may be used by the order of their assigned number to form a quorum and to vote in the absence of regular members. The Agricultural Commission once appointed shall develop a work plan to guide its activities as charged by the Board of Selectmen. Such activities include, but are not limited to, the following: encouraging the pursuit of agriculture in Sterling; promoting agricultural based economic opportunities in town; mediating, advocating, educating and/or negotiating on farming issues; working for preservation of agricultural lands; pursuing all initiatives appropriate to retaining farming in Sterling; and pursuing all initiatives appropriate to creating a sustainable agricultural community and preserving the rural character of Sterling.

Motion made to move on the words of the article, motion seconded.

No discussion

PASSED UNANIMOUS

ARTICLE 44. Voted to amend the General Bylaws by adding the following “Right to Farm” bylaw:

Section 1 Legislative Purpose and Intent

The purpose and intent of this By-law is to state with emphasis the Right to Farm accorded to all citizens of the Commonwealth under Article 97 of the Constitution, and all state statutes and regulations there under including but not limited to Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1: Chapter 90, Section 9, Chapter 111, Section 125A and Chapter 128 Section 1A.

We the citizens of Sterling restate and republish these rights pursuant to the Town’s authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution (“Home Rule Amendment”)

This General By-law encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmlands within the Town of Sterling by allowing agricultural uses and related activities to function with minimal conflict with abutters and local agencies. This By-law shall apply to all jurisdictional areas within the Town.

Section 2 Definitions

The word “farm” shall include any parcel or contiguous parcels of land, or water bodies used for the primary purpose of commercial agriculture, or accessory thereto.

The words “farming” or “agriculture” or their derivatives shall include, but not be limited to the following:

- farming in all its branches and cultivation and tillage of the soil;
 - dairying;
 - production, cultivation, growing, and harvesting of any agricultural, aquacultural, floricultural, viticultural, or horticultural commodities;
 - growing and harvesting of forest products upon forest land, and any other forestry of lumbering operations;
 - raising of livestock including horses;
 - keeping of horses as a commercial enterprise;
 - keeping and raising of poultry, swine, cattle, sheep, ratites (such as emus, ostriches and rheas) and camelids (such as llamas and camels), and other domesticated animals for food and other agricultural purposes, including bees and fur bearing animals.
- “Farming” shall encompass activities including, but not limited to the following:
- operation and transportation of slow-moving farm equipment over roads within the Town;
 - control of pests, including, but not limited to, insects, weeds, predators and disease organism of plants and animals;
 - application of manure, fertilizers and pesticides;
 - conducting agriculture-related educational and farm-based recreational activities, including agri-tourism, provided that the activities are related to marketing the agricultural output or services of the farm;
 - processing and packaging of the agricultural output of the farm and the operation of a farmer’s market or farm stand including signage thereto;
 - maintenance, repair or storage of seasonal equipment, or apparatus owned or leased by the farm owner or manager used expressly for the purpose of propagation, processing, management, or sale of the agricultural products; and
 - on-farm relocation of earth and the clearing of ground for farming operations.

Section 3 Right to Farm Declaration

The Right to Farm is hereby recognized to exist within the Town of Sterling. The above described agricultural activities may occur on holidays, weekdays, and weekends by night or day and shall include the attendant incidental noise, odors, dust and fumes associated with normally accepted agricultural practices. It is hereby determined that whatever impact may be caused to others though the normal practice of agriculture is more than offset by the benefits of farming to the neighborhood, community and society in general. The benefits and protections of this By-law are intended to apply to those agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices. Moreover, nothing in this Right To Farm By-law shall be deemed as

acquiring any interest in land, or as imposing any land use regulation, which is properly the subject of state statute, regulation, or local zoning law.

Section 4 Disclosure Notification

Not later than 21 days after the purchase and sale contract is entered into, or prior to the sale or exchange of real property if no purchase and sale agreement exists, for the purchase or exchange of real property, or prior to the acquisition of a leasehold interest or other possessory interest in real property, located in the Town of Sterling, the landowner shall present the buyer or occupant with a disclosure notification which states the following:

“It is the policy of this community to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food, and other agricultural products, and also for its natural and ecological value. This disclosure notification is to inform buyers or occupants that the property they are about to acquire or occupy lies within a town where farming activities occur. Such farming activities may include, but are not limited to, activities that cause noise, dust and odors. Buyers or occupants are also informed that the location of property within the Town may be impacted by commercial agricultural operations including the ability to access water services for such property under certain circumstances.”

A copy of the disclosure notification shall be given on a form prepared by the Town and shall be signed by the landowner prior to the sale, purchase, exchange or occupancy of such real property. A copy of the disclosure notification must be filed with the Board of Selectmen or its designee prior to the sale, purchase, exchange or occupancy of such real property. In addition to the above, a copy of this disclosure notification shall be provided by the Town to landowners each fiscal year by mail.

A violation of Section 4 shall be subject to a fine of \$300 and shall be enforced by the Board of Selectmen or its designee. The Town is authorized to enforce Section 4 under the non-criminal disposition provision of G.L. c. 40, § 21D.

Section 5 Resolution of Disputes

Any person who seeks to complain about the operation of a farm may, notwithstanding pursuing any other available remedy, file a grievance with the Select Board, the Zoning Enforcement Officer, or the Board of Health, depending upon the nature of the grievance. The filing of the grievance does not suspend the time within which to pursue any other available remedies that the aggrieved may have. The Zoning Enforcement Officer or Select Board shall forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the referring Town authority within an agreed upon time frame. The Board of Health, except in cases of imminent danger or public health risk, shall forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the Board of Health within an agreed upon time frame.

Section 6. Severability Clause

If any part of the By-law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of the By-law. The Town of Sterling hereby

declares the provisions of this By-law to be severable,

Motion made to move on the words of article, seconded.

Lance Harris – Motion made to amend by striking the last sentence of italicized paragraph of section 4 motion seconded. Mr. Sushchuk spoke against the amendment. Mr. Philpot questioned what the certain circumstances may be. Mr. Pineo stated that the wording came from the state.

Motion made and seconded to move the question – passed - 2/3 vote declared by Moderator
Vote taken on the amendment – amendment defeated

Motion made to call article – passed - 2/3rds vote declared by Moderator

Vote on article

PASSED UNANIMOUS

ARTICLE 45. Voted to appropriate the sum of \$317,484 contingent upon the Commonwealth of Massachusetts' funding of the Chapter 90 program, said sum to be reimbursed by the Commonwealth of Massachusetts for highway resurfacing and/or other related work or expenditures as allowed by the State Chapter 90 regulations, said sum to be expended by the Department of Public Works, with approval of the Board of Selectmen, and in accordance with the DPW's 5-year Capital Plan reviewed annually by the Capital Budget Committee.

Motion made and seconded to move on the words of the article

PASSED UNANIMOUS

ARTICLE 46. Voted to raise and appropriate the sum of \$35,000, to replace the failing roof on the old DPW barn adjacent to the new facility.

Motion made to move on the words of the article with funding to raise and appropriate.

PASSED UNANIMOUS

ARTICLE 47. Voted to raise and appropriate the sum of \$25,000 to cover cost overruns on the new DPW building/renovation project, said sum to be expended by the Department of Public Works.

Motion made and seconded to see if the town will vote to raise and appropriate the sum of \$25,000...

Motion made and second to move the question – motion passed 2/3rd vote

Vote on article 47 as read

PASSED UNANIMOUS

ARTICLE 48. Voted to transfer from available funds the sum of \$71,000 to purchase a new backhoe with all pertinent attachments and equipment and to authorize the payment of the purchase price in part from proceeds of the trade-in or auction of a 1997 John Deere 410E backhoe and the balance in cash out of said appropriation, said sum to be expended by the Department of Public Works.

Motion made and second to move on the words of the article with funds being transferred from capital

Motion made and seconded to move the question – passed -2/3rd vote declared by Moderator.

Vote on article 48 –

PASSED 2/3RDS VOTE DECLARED BY MODERATOR

ARTICLE 49. Voted to raise and appropriate the sum of \$23,024 to cover a portion of the cost of the Landfill Implementing Monitoring Program as required by DEP, with said money to be spent by the DPW.

Motion made and seconded to move on the words with raise and appropriate as funding source.

PASSED UNANIMOUS

ARTICLE 50. Voted to raise and appropriate the sum of \$1,500 to be used for expenses for The Sterling Land Trust, an organization dedicated to the preservation of various parcels of land within the Town, said funds to be administered and expended by the Trust.

Motion made and seconded to move on the words of the article with funding source raise & appropriate

PASSED UNANIMOUS

ARTICLE 51. Voted to raise and appropriate the sum of \$1,500 to be used for expenses for Wachusett Greenways, a six Town collaborative said funds to be administered and expended by Wachusett Greenways.

Motion made and second to move on the words with funding source raise and appropriate

PASSED UNANIMOUS

ARTICLE 52. Voted to accept MGL. Chapter 41, section 108P, Additional compensation for Treasurer / Collector, and further, to raise and appropriate the sum of \$1,000 in order to fund said compensation for FY09.

Motion made and seconded to move on the words of the article.

PASSED UNANIMOUS

ARTICLE 53. Voted to accept MGL. Chapter 41, section 19K, additional compensation for Town Clerk, and further, to raise and appropriate the sum of \$1,000 in order to fund said compensation for FY09.

Motion made and seconded to move on the words of the article.

PASSED UNANIMOUS

ARTICLE 54. Voted to raise and appropriate the sum of \$19,692, to pay for tuition of a Sterling student attending the Norfolk County Agricultural School in Walpole, said sum to be expended by the Board of Selectmen.

Motion made and seconded to move on the words with funding raise and appropriate.

PASSED UNANIMOUS

ARTICLE 55. Voted to authorize the Board of Selectmen to enter into an agreement with an area town under the provisions of M.G. L. CH. 40 Sec. 4A for the purposes of providing transportation to a Sterling student attending the Norfolk County Agricultural School in Walpole; and further to transfer \$38,000 from the Stabilization Account, or from available funds, to pay for transportation of said student, said sum to be expended by the Board of Selectmen and reimbursed by the Commonwealth of Massachusetts.

Motion made and seconded to move on the words of the article with funding from stabilization

PASSED 2/3RDS VOTE DECLARED BY M ODERATOR

ARTICLE 56. Voted to accept the following Non-Binding resolution:

We, the citizens of Sterling, wish to express our displeasure and concern at the recent decision of the Wachusett Regional School District to change the grade configuration at the Chocksett Middle School and the Houghton Elementary School. This decision was made without the knowledge or consent of the citizens of Sterling.

We strongly urge Wachusett Regional School District officials to actively seek input from parents and citizens of Sterling on this and all future decisions regarding significant changes to the Chocksett Middle and Houghton Elementary Schools.

Motion made and seconded to move on the words of the article.

Agreement was made with the parents for this year with a mechanism now in place for future.

PASSED UNANIMOUS

Motion made and seconded to use Consent agenda for article 57-60

ARTICLE 57. Voted to approve the amendment of Section 7. ADMISSION OF ADDITIONAL TOWNS of the Amended Wachusett Regional School District Agreement, as recommended and approved by vote of the Regional District School Committee on January 28, 2008.

ARTICLE 58. Vote to approve the various amendments to the Amended Wachusett Regional School District Agreement, as recommended and approved by vote of the Regional District School Committee on January 28, 2008, consisting of non-substantive changes of the wording in the following Sections:

Opening Paragraph

Section 1. Members of the Regional District School Committee.

Section 2. Location.

Section 3. Type of Regional School District.

Section 4. Method of Apportioning Costs of the Regional School District.

Section 5. Payments to the Regional District School Treasurer.

Section 6. Transportation.

Section 8. Withdrawal of Member Towns - Pre-Kindergarten-Grade 12.

Section 9. Annual Report.

Section 10. Budget.

Section 12. Powers and Duties of the Regional District School Committee.

Section 13. Organization of the Regional District School Committee.

Section 14. Amendments.

Section 17. Lease of Schools.

Section 18. Professional Staff/Personnel.

Section 19. Effective Date and Jurisdiction.

ARTICLE 59. Voted to approve the amendment of Section 11. ASSIGNMENT OF STUDENTS of the Amended Wachusett Regional School District Agreement, as recommended and approved by vote of the Regional District School Committee on January 28, 2008, or act or do anything relative thereto.

the word "residence" and deletes the word "towns" and substitutes therefor the words "Member Towns".

The amendment to Section 11.3 deletes the words "Regional School" before "Committee", deletes the word "elementary" and inserts therefor the words "pre-kindergarten through grade eight (8)" before the word "pupils".

The amendment to Section 11.4 deletes the words "which is" before the word "subject" and deletes the word "town" and substitutes therefor the words "Member Towns".

A copy of the proposed Amendment is on file at the office **Submitted by:** Wachusett Regional School District Committee

ARTICLE 60. Voted to approve the amendment of Section 15, INCURRING OF INDEBTEDNESS of the Amended Wachusett Regional School District Agreement, as recommended and approved by vote of the Regional District School Committee on January 28, 2008, or act or do anything relative thereto.

Article 57-60

PASSED

UNANIMOUS

ARTICLE 61. To see if the Town will vote to approve the amendment of Section 16. CAPITAL EXPENDITURES FROM SURPLUS of the Amended Wachusett Regional School District Agreement, as recommended and approved by vote of the Regional District School Committee on January 28, 2008, or act or do anything relative thereto.

Motion made and seconded to move on the words of the article. Motion made and seconded to call the question- passed 2/3rds vote

DEFEATED UNANIMOUS

ARTICLE 62. Voted to elect by ballot on Monday, May 19, 2008, at 7:00 AM at the Houghton School on Boutelle Road, the following officers:

- One Selectman to serve for three years
- One Assessor to serve for three years
- One Health Board Member to serve for three years
- Two Library Trustees to serve for three years
- One Public Works Board Member to serve for three years
- One Public Works Board Member to serve for two years
- One Light Board Member to serve for three years
- One Planning Board Member to serve for five years
- One Housing Authority Member to serve for five years
- One Housing Authority Member to serve for four years
- Two Wachusett School Committee Members to serve for three years

Also to choose by ballot or otherwise, such other officers as may be necessary.

Motion made and seconded to adjourn meeting at 11:39pm motion

PASSED UNANIMOUS

Respectfully submitted,

Melanie J. Clark
Town Clerk